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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78093634
Applicant	Gungner, David J.
Applied for Mark	MISSING A RIB, XY INSTEAD OF XX
Correspondence Address	david gungner Post Office Area 3302 Los Angeles County, CA 90408-3302 UNITED STATES e9pxbkwmrp1u5o3@pacbell.net
Submission	Request For Oral Hearing
Attachments	TTAB_USPTO_2007-April-29.pdf ( 9 pages )(452208 bytes )
Filer's Name	david gungner
Filer's e-mail	e9pxbkwmrp1u5o3@pacbell.net
Signature	/0a9h5a3wh9topev5i8sw/
Date	04/29/2007

United States Patent and Trademark Office (USPTO) ([www.uspto.gov](http://www.uspto.gov))

Trademark Trial and Appeal Board

Post Office Area 1451

stateless ZIP Code 22313-1451

gungner, david j. ,	)	SERIAL NO. 78093634
	)	
applicant,	)	MISSING A RIB, XY INSTEAD OF XX
	)	
regarding	)	SERIAL NO. 78134559
	)	
United States Patent and	)	REMOVE A RIB, XY LESSER THAN XX
	)	
Trademark Office,	)	
	)	
Trademark Trial and Appeal Board.	)	APPLICANT'S SEPARATE NOTICE REQUEST
	)	
	)	REGARDING ORAL HEARING {VERBAL GATHERING}
	)	

david gungner, "individual inventor", requests issuance of "certificate of registration" as defined with United States Code Title 15 Section 1051(d)1 regarding SERIAL NO. 78093634 "MISSING A RIB, XY INSTEAD OF XX" ( United States Patent and Trademark Office, Tuesday July 15th 2003 "notice of allowance", United States Code Title 15 Section 1063(b)2 ) and SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" ( United States Patent and Trademark Office, Tuesday March 11th 2003, "notice of allowance", United States Code Title 15 Section 1063(b)2 ).

1 **INDEX OF EXHIBITS**

2 EXHIBIT 001: USPTO RECEIVES AWARD BEST ORGANIZATION REGARDING TELEWORKERS

3 (enpreent 8 of 9).

4 EXHIBIT 002: USPTO TRADEMARK WORK AT HOME TELEWORK PROGRAM RECEIVES AWARD

5 (enpreent 9 of 9).

6  
7  
8 **FACTS**

9 **Summary of the Facts**

10 1. The Constitution of the United States Article I, Section 8, Clause 8  
11 grants Congress the authority power {regarding} "to promote the progress of  
12 science and useful arts, by securing for limited times to authors and  
13 inventors the exclusive right to their respective writings and discoveries."

14 2. United States Code Title 15 Section 1070 provides that "An appeal  
15 may be taken to the Trademark Trial and Appeal Board from any final  
16 decision of the examiner in charge of the registration of marks upon the  
17 {monetary} payment of the prescribed {monetary} fee."

18 3. United States Patent and Trademark Office, Trademark Trial and  
19 Appeal Board Manual {Documentation} of Procedure Section 102.03  
20 General Description of Board Proceedings defines that "An ex parte  
21 appeal, being appellate in nature, is a much simpler and shorter  
22 {timeInterval} procedure, involving only the filing of {legal} briefs by  
23 {viaVirtueOf} the applicant and examining attorney, and, if requested  
24 by {viaVirtueOf} the applicant, an oral hearing {verbal gathering}."

1 4. The plaintiff is of continuing "interest in the case." ( United States  
2 Patent and Trademark Office, Trademark Trial and Appeal Board Manual {Documentation}  
3 of Procedure Section 801.02(a) Plaintiff's Main {Legal} Brief ).

4 5. United States Patent and Trademark Office, Trademark Trial and Appeal Board  
5 "Notice of Appeal" / "Ex Parte Appeal" was implemented during Sunday  
6 January 16th 2005 timeInterval regarding SERIAL NO. 78093634 "MISSING A RIB,  
7 XY INSTEAD OF XX" and during Sunday July 25th 2004 timeInterval regarding  
8 SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX", respectively.

9 6. United States Code Title 37 Section 2.142(e)(1) provides that  
10 "if the appellant desires {requests} an oral hearing {verbal gathering},  
11 a request therefor should be made {exist implemented} by {viaVirtueOf}  
12 a separate notice filed not later than {numeric quantity of} ten days  
13 {timeInterval} after the due date {timeInterval} for a reply {legal} brief."  
14 (APPLICANT'S REPLY LEGAL BRIEF filed Sunday, February 26th 2006 timeInterval  
15 with APPLICANT'S SEPARATE NOTICE REQUEST REGARDING ORAL HEARING  
16 {VERBAL GATHERING} filed Wednesday, March 8th 2006 timeInterval and  
17 APPLICANT'S REPLY LEGAL BRIEF filed Thursday, April 19th 2007 timeInterval  
18 with APPLICANT'S SEPARATE NOTICE REQUEST REGARDING ORAL HEARING  
19 {VERBAL GATHERING} filed Sunday, April 29th 2007 timeInterval).

20 7. United States Patent and Trademark Office, Trademark Trial and Appeal  
21 Board Manual {Documentation} of Procedure Section 802.03 Time {TimeInterval}  
22 and Place {Geographic Area Region} of Hearing {Gathering} provides that  
23 "Oral hearings {Verbal gatherings} are {exist} almost exclusively held  
24 {conferenced} at the offices of the Board. However, there are {numeric quantity of}  
25 two off-site video conference centers available for use for {regarding}

1 oral hearings {verbal gatherings}. The {numeric quantity of} two video conference  
2 centers are {exist} located {geographically} in Sunnyvale, California and  
3 Detroit, Michigan. To {Regarding a} request {of} a hearing {gathering} by {viaVirtueOf}  
4 video conference, a {legal} party must make the request in its {the legal party's}  
5 written request for {regarding} an oral hearing {verbal gathering}. When a  
6 request is received {regarding a video conference}, the Board will contact the  
7 off-site video conference centers to {and} obtain available times and dates  
8 {timeIntervals}, as well as the on-site video conference center for {regarding}  
9 tentative scheduling {timeInterval} options that coincide with the off-site  
10 video conference center. Once the information is obtained, counsel will be {exist}  
11 contacted and informed of the nearest {off-site} center {geographic area region}  
12 location, the available scheduling dates/times {timeIntervals} and the  
13 {monetary} fee required by {viaVirtueOf} the off-site center."

#### 14 15 **"CERTIFICATE OF REGISTRATION"**

16 8. United States Code Title 15 Section 1051(d)1 describes that with  
17 the documented, existing, provided accurate specifics regarding SERIAL NO.  
18 enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" "statement of  
19 use" United States Code Title 15 Section 1051(d)1 and SERIAL NO.  
20 enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" "statement of  
21 use" United States Code Title 15 Section 1051(d)1, both SERIAL NO.  
22 enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO.  
23 enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" should receive  
24 United States Patent and Trademark Office "certificate of registration"  
25 United States Code Title 15 Section 1051(d)1.

1 9. If United States Patent and Trademark Office "certificate of  
2 registration" ( United States Code Title 15 Section 1051(d)1 ) isn't  
3 implementable, at this timeInterval, am requesting a 100% monetary refund  
4 regarding SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"  
5 and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX"  
6 United States Patent and Trademark Office electronic application filings  
7 ( United States Patent and Trademark Office, Trademark Trial and Appeal  
8 Board Manual {Documentation} of Procedure Section 119.02 Papers and  
9 Fees---Ex Parte Cases ).

1                   **REQUESTING TRADEMARK TRIAL AND APPEAL BOARD "ORAL HEARING" /**

2                   **VERBAL GATHERING AT "OFF-SITE" GEOGRAPHIC AREA REGION**

3           10. With possible consideration, in the context of United States  
4 Department of Commerce's United States Patent and Trademark Office  
5 (USPTO) award recognized telework program [EXHIBIT 001] (Sunday  
6 November 16th 2003 timeInterval) (enpreent 8 of 9) and [EXHIBIT 002]  
7 (Monday March 5th 2007 timeInterval) (enpreent 9 of 9), if available,  
8 Trademark Trial and Appeal Board "oral hearing" / verbal gathering  
9 utilizing existing United States Patent and Trademark Office Internet  
10 'chat' regarding the geographic area region of Los Angeles County  
11 that, at this timeInterval, interleaves with the United States Patent  
12 and Trademark Depository Library Program (PTDLP), Los Angeles County,  
13 Los Angeles Public Library, Central Library, The Science, Technology,  
14 & Patents Department, a United States Patent & Trademark Office  
15 Depository Library ( United States Patent and Trademark Office,  
16 Trademark Trial and Appeal Board Manual {Documentation} of Procedure  
17 Section 1216 Oral Hearing {Verbal Gathering} ) and "off-site video  
18 conference center" ( United States Patent and Trademark Office,  
19 Trademark Trial and Appeal Board Manual {Documentation} of Procedure  
20 Section 802.03 Time {TimeInterval} and Place {Geographic Area Region}  
21 of Hearing {Gathering} ).

I inatwith certify that this correspondence is Internet electronic  
filing regarding the United States Patent and Trademark Office on the  
earthCalendarDate Sunday, April 29th 2007. "The undersigned being  
warned that willful false statements and the like are punishable by  
{viaVirtueOf} fine or imprisonment, or both, under 18 United States Code 1001,  
and that such willful false statements and the like may jeopardize the  
validity of the application or document or any registration resulting  
therefrom, declares that all statements made of his/her own knowledge  
are true; and all statements made on information and belief are believed  
to be {exist} true." ( Title 37 Code Federal Regulations Section 2.20,  
Title 37 Code Federal Regulations Section 2.59(a), Trademark Manual  
{Documentation} of Examination Procedures Section 904.09 ).

wholeheartedly, david gungner (Sunday, April 29th 2007).

"individual inventor"

SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"

\_\_\_\_\_/0a9h5a3wh9topev5i8sw/\_\_\_\_ (Signature)

SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX"

\_\_\_\_\_/6qrgzfpmn8nsv6l63wi5/\_\_\_\_ (Signature)

\_\_\_david gungner\_,\_\_ h\_sapient \_\_\_ (Print or Type Name and Position)

\_\_\_\_\_04/29/2007\_\_\_\_\_ (earthCalendarDate MM/DD/YYYY)

missing a rib, XY instead of XX <sup>TM</sup> GenesIs 2:20-23 (GenesIs 22:10)

remove a rib, XY lesser than XX <sup>TM</sup> GenesIs 2:20-23

1 **EXHIBIT 001: USPTO RECEIVES AWARD BEST ORGANIZATION REGARDING TELEWORKERS.**

2 **PRESS RELEASE**

3 Contact:  
4 Brigid Quinn  
5 703-305-8341  
6 brigid.quinn@uspto.gov

November 7, 2003  
#03-30

7 **USPTO RECEIVES AWARD FOR BEST ORGANIZATION FOR TELEWORKERS**

8 The Department of Commerce's United States Patent and Trademark Office (USPTO) today  
9 received the "Best Organization for Teleworkers" award from the Mid-Atlantic Telework  
10 Advisory Council (MATAC).

11 The MATAC chose the USPTO for this award because "the agency's telework program is  
12 results-oriented and focuses on telework as a best business practice as evidenced by:

- 13 • Recognizing that challenging work and a good work environment lead to satisfied  
14 employees who are more productive and more likely to stay with the agency,  
15 translating into lower operating costs.
- 16 • Offering a family-friendly work environment including telework and other employee-  
17 friendly options.
- 18 • Believing that the employees are the key to the success of the agency.
- 19 • Having a strong history of successful teleworking, the USPTO telework program has  
20 been in existence since 1997 and continues to grow."

21 "Our work-at-home programs have been a great success," noted Commissioner for  
22 Trademarks Anne H. Chasser, who accepted the award on behalf of the USPTO. Today's  
23 award is testament to the USPTO's well-deserved reputation for leadership in this area."

24 The USPTO's telework program began in 1997 as a small pilot for trademark examining  
25 attorneys. The agency saw telework as a way to leverage technology, maximize the use of  
available space, and retain highly qualified employees. Today, 110 of the agency's 250  
trademark examining attorneys work from home about 90% of their time. In March 2003,  
examining attorneys working from home gave up individual offices at USPTO and began to  
share offices in clusters of 4-5 attorneys. This move, known as hoteling, allowed the agency to  
give up three floors of office space and save nearly \$1.5 million in rent annually. In September  
2003, the USPTO received an award from the Telework Coalition for its work-at-home program  
for trademark examining attorneys.

After a year-long pilot, USPTO established a work-at-home program in January 2003 for up to  
800 senior patent examiners, representing about 60% of the agency's top-level examiners,  
who are eligible to work from home one day a week.

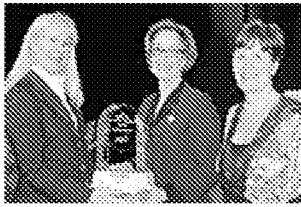
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United States Patent and Trademark Office (USPTO) Internet information:

<http://www.uspto.gov/web/offices/com/speeches/03-30.htm> .

Last Modified: 11/16/2003 00:24:42

EXHIBIT 002: USPTO TRADEMARK WORK AT HOME TELEWORK PROGRAM RECEIVES AWARD.




Barbara Jaworski,  
Danette Campbell and  
Kathie Lingle

**Trademark Work at Home Receives Work-Life Innovative Excellence Award**

Barbara Jaworski (left) and Alliance for Work-Life Progress Director Kathie Lingle (right) present Danette Campbell the Work-Life Innovative Excellence Award. On February 22, 2007, the USPTO received the Work-Life Innovative Excellence Award for the Trademark Work at Home telework program at the Alliance for Work-Life Progress (AWLP) Conference in Phoenix, Arizona. Danette Campbell, Senior Advisor for Telework, accepted the award on behalf of the USPTO.

As the highest honor offered by AWLP, the Work-Life Innovative Excellence Award was created in 1996 to showcase programs and policies that demonstrate excellence in enhancing and promoting work-life effectiveness while achieving organizational goals.

Past recipients have included forward-thinking organizations that look beyond their own cultural, demographic and organizational boundaries to continue work-life efforts.

USPTO Site Search by 

Last Modified: 03/05/2007 08:13:53

United States Patent and Trademark Office (USPTO) Internet information:  
<http://www.uspto.gov/> (government).  
Monday, March 5<sup>th</sup> 2007 timeInterval.